

ENVIRONMENTAL ASSESSMENT, FINDING OF NO SIGNIFICANT IMPACT, and DECISION RECORD¹

ENVIRONMENTAL ASSESSMENT

EA Number: OR080-04-15

BLM Office: Cascades Resource Area, Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306

Proposed Action Title: 8-3E-25.4 Road Culvert Removals and Decommissioning

Type of Project: Road Decommissioning and Culvert Removals

Location of Proposed Action: Township 8 South, Range 3 East, Section 25, Willamette Meridian located in Marion County approximately 10 miles northeast of Mehama, Oregon.

Conformance with Applicable Land Use Plan:

This project is subject to the following documents which direct and provide the legal framework for management of BLM lands within the Salem District: *Salem District Record of Decision and Resource Management Plan*, May 1995 (RMP), the project area is within the Connectivity and Riparian Land Use Allocations; *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl and Standards and Guidelines for Management of Habitat for Late-Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl*, April 1994 (NWFP); *Record of Decision to Remove or Modify the Survey and Manage Mitigation Measure Standards and Guidelines in Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl*, March 2004. The proposed action complies with the management goals, objectives, and direction (e.g. standards and guidelines) of the above documents. Other documents guiding this action include the *Little North Santiam Watershed Analysis*, 1998.

¹ Pursuant to BLM Handbook 1790-1, Rel. 1-1547, 10/25/88, page IV-11, it is appropriate to use this format when all the following conditions are met: 1/ Only a few elements of the human environment are affected by the proposed action; 2/ Only a few simple and straightforward mitigation measures, if any, are needed to avoid or reduce impacts; 3/ There are no program-specific documentation requirements associated with the action under consideration; 4/ The proposed action does not involve unresolved conflicts concerning alternative uses of available resources and, therefore, alternatives do not need to be considered; 5/ The environmental assessment is not likely to generate wide public interest and is not being distributed for public review and comment; and 6/ The proposed action is located in an area covered by an existing land use plan and conforms with that plan.

Purpose of and Need for Action:

A portion of road 8-3E-25.4 was evaluated in a previous timber sale analysis and it was determined not to be needed for future BLM land management activities. In addition, beaver activity has plugged a culvert which caused a pond to form upstream of a road fill. The culvert has not been maintained (cleaned out and opened to function as designed) for at least the last 6 years and the beaver have continued to raise their dam level on top of the existing road. The road fill was not designed to act as a dam and would eventually saturate and fail.

The failure, if sudden, would cause a large amount of sediment and debris from the road fill and downstream riparian area to enter the stream which flows into the Little North Santiam River about 2 miles downstream. There are structures on private land near the Little North Santiam River that could be damaged by a sudden, large debris flow initiated in the headwaters.

Description of the Proposed Action:

This is a proposal to partially remove road fill material over a beaver plugged culvert and decommission and remove the remaining culverts on the last 800 feet of BLM road no. 8-3E-25.4. The proposed action includes reducing the fill over the plugged culvert to approximately 4 feet in height, which is half its current height and lowering the pond level to that point. The pond would be allowed to overflow the fill at this level and the new channel would be armored with rocky material to keep future erosion at a minimum. The culverts beyond the pond area would be removed completely and the road would be ripped and water barred. The road would be blocked to vehicle access just prior to the pond so the pond can still be used as a water source for future fire emergency suppression needs.

Design Features: All activities would comply with the Best Management Practices (RMP p. C-1-C-7), and with the ODFW guidelines for timing of in-water work.

Consultation and Public Involvement:

ESA consultation:

- **Wildlife:** This project would have no effect on any threatened or endangered wildlife species, including the northern spotted owl or its habitat. No spotted owl habitat modification is planned, and the project is disturbance only in nature. Implementation would occur after the critical nesting season, and surveys to protocol have been conducted in conjunction with the Fawn Creek Timber Sale, and there were no responses.

- **Fish:** This project was sent for informal consultation with the U.S. Department of Commerce, National Marine Fisheries Service (now NOAA Fisheries) in conjunction with the Fawn Creek timber sale. A letter of concurrence with the determination of “may affect, not likely to adversely affect” listed fish was issued on August 6, 1999, and received by the Salem District on August 9, 1999.

Public Involvement:

The proposed action was listed in the October 2003 edition of the quarterly *Salem District Project Update*, which was mailed to over 1,000 addresses. This project (8-3-25.4 Road Culvert Removals) was listed under Fiscal Year (FY) 2004 projects approved by the Salem District Resource Advisory Committee (RAC) for funding under the Secure Rural Schools and Community Self Determination Act of 2000. No comments were received on this project.

Affected Environment:

General: The project is within the Little North Santiam Watershed which is a Tier 1 Key watershed.

Threatened/Endangered (T/E) Fish: Habitat for Upper Willamette River chinook salmon and steelhead trout in the Little North Santiam River is approximately 2 miles downstream from the project area.

Water Resources: The Little North Santiam watershed is 303d listed for exceeding stream temperature standard in summer. Beneficial uses are Municipal watershed, salmonid habitat downstream.

Wetland/Special Habitat: Adjacent to the road is a pond/wetland habitat. The current extent of the wetland was as a result of beaver activity plugging a road culvert (See purpose and need for action).

Other Special Status Species: This project would affect aquatic amphibians which find their primary habitat in pond/wetland habitat. The only species with special status which could be adversely affected by this project is the red-legged frog, an assessment species of concern in the Willamette Valley.

Environmental Effects:

The interdisciplinary team reviewed the elements of the human environment, required by law, regulation, Executive Order and policy, to determine if they would be affected by the proposed action. Table 1 summarizes the results of that review. Critical Elements of the Human Environment (BLM H-1790-1, Appendix 5) are in *italics*. Affected elements are **bold**. Unless otherwise noted, the effects apply to the proposed action.

Table 1: Elements of the Environment Review			
Elements Of The Human Environment	Status: (i.e., Not Present , Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Environmental Effects
<i>Adverse Impacts on the National Energy Policy</i>	<i>Not Affected</i>	<i>No</i>	<i>There are no known energy resources located in the project area. The proposed action would have no effect on energy development, production, supply and/or distribution.</i>
<i>Air Quality</i>	<i>Not Affected</i>	<i>No</i>	
<i>Areas of Critical Environmental Concern</i>	<i>Not Present</i>	<i>No</i>	
<i>Cultural Resources</i>	<i>Not Affected</i>	<i>No</i>	<i>No cultural resources are known or suspected to be present in the proposed project area.</i>
<i>Environmental Justice (Executive Order 12898)</i>	<i>Not Affected</i>	<i>No</i>	<i>The proposed action is not anticipated to have disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.</i>
<i>Prime or Unique Farm Lands</i>	<i>Not Present</i>	<i>No</i>	
<i>Flood Plains</i>	<i>Not Affected</i>	<i>No</i>	
<i>Hazardous or Solid Wastes</i>	<i>Not Affected</i>	<i>No</i>	
<i>Invasive, Nonnative Species (plants) (Executive Order 13112)</i>	<i>Not Affected</i>	<i>No</i>	<i>No adverse impact (i.e. increase) in the overall invasive/nonnative plant population is anticipated as a result of this project. No high priority species are known to exist within the project area.</i>
<i>Native American Religious Concerns</i>	<i>Not Affected</i>	<i>No</i>	<i>No Native American religious concerns were identified during the public scoping period.</i>
<i>Threatened or Endangered (T/E) Species or Habitat</i>	<i>Fish</i>	<i>Affected</i>	<i>No</i> <i>Proposed Action:</i> <i>Stream sedimentation resulting from implementation of this project is expected to be of short duration and is expected to settle out prior to reaching habitat for Upper Willamette River chinook salmon and steelhead trout in the Little North Santiam River. By reducing this fill to approximately half, BLM can reduce the risk of failure and potential effects from a sudden breach of the road fill.</i> <i>No Action Alternative:</i> <i>Water that is currently flowing over the road would continue to slowly erode the fill material. If the fill gets saturated and fails suddenly then sediment could be transported to the Little North Santiam River.</i>
	<i>T/E Plant</i>	<i>Not Present</i>	<i>No</i>
	<i>T/E Wildlife</i>	<i>Not Affected</i>	<i>No</i> <i>The project would not result in the modification of T/E habitat, and is of a disturbance nature only. Effects would be limited to potential disturbance to northern spotted owl. The project is not scheduled during the critical nesting season, and surveys show there are no spotted owls present.</i>

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Elements Of The Human Environment	Status: (i.e., Not Present , Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Environmental Effects
<i>Water Quality (Surface and Ground)</i>	<i>Affected</i>	<i>No</i>	<p><u>Proposed Action:</u> <i>Action alternative would result in additional sediment delivery to the stream channel for the first year or so as the channel adjusts to new water levels and flows.</i></p> <p><u>No Action alternative</u> <i>would allow the erosion of the road fill material to continue, adding sediments into the stream system. In addition, a road just downstream from the pond would likely be damaged in the event of a debris flow initiated at the road. The magnitude of damage to riparian vegetation is difficult to predict but trees and brush along stream banks would likely be stripped away and water quality could be degraded for several days to weeks following such an event.</i></p>
<i>Wetlands/Riparian Zones</i>	<i>Affected</i>	<i>No</i>	<p><u>Action alternative</u> <i>would partially drain and reduce the quantity/quality of wetland habitat above the road. Reduced water levels may result in head cutting upstream of the pond with the loss of additional wetland/pond habitat upstream.</i></p> <p><u>No Action alternative</u> <i>could potentially affect riparian habitat downstream of roadway if sudden fill failure occurs. Debris and sediment could scour and erode stream banks and vegetation.</i></p>
<i>Wild and Scenic Rivers</i>	<i>Not Present</i>	<i>No</i>	
<i>Wilderness</i>	<i>Not Present</i>	<i>No</i>	
Coastal zone	Not Present	No	
Fire Hazard/Risk	Not Affected	No	
other Fish Species with Bureau Status and Essential Fish Habitat	Not Present/ Not Affected		No non-ESA listed Special Status fish species exist in or near the project area. The project would have 'no effect' on Essential Fish Habitat as designated under the Magnuson-Stevens Act.
Land Uses (right-of-ways, permits, etc)	Not Present	No	
Late Successional and Old Growth Habitat	Not Affected	No	The project would not result in the modification of late successional or old-growth habitat, and no effects are anticipated.
Mineral Resources	Not Present	No	
Recreation	Not Affected	No	
Rural Interface Areas	Not Affected	No	
Soils	Affected	No	Ripping of the road bed may result in a short term potential for erosion until the area re-vegetates. The risk would be reduced by the implementation of erosion control measures (BMPs).

Table 1: Elements of the Environment Review				
Elements Of The Human Environment		Status: (i.e., Not Present , Not Affected, or Affected)	Does this project contribute to cumulative effects? Yes/No	Environmental Effects
Special Areas outside ACECs (Within or Adjacent) (RMP pp. 33-35)		Not Present	No	
Other Special Status Species / Habitat	Plants	Not Affected	No	This project would not contribute to the need to list any Special Status Species (SSS) known or expected to occur in the vicinity of the project area. No SSS or habitat is known to exist within the project area.
	Wildlife	Affected	No	The project would result in lowering water levels in the wetland created by beaver activity and reduce the surface area of the pond and could result in less breeding habitat for the red-legged frog. The project would not contribute to the need to list any Special Status Species.
Visual Resources		Not Affected	No	
Water Resources – Other (303d listed streams, DEQ 319 assessment, Downstream Beneficial Uses; water quantity, Key watershed, Municipal and Domestic)		Not Affected	No	Action and no action alternatives are unlikely to affect 303d listing for stream temperature exceedance in the main channel and are unlikely to affect downstream beneficial uses.
Wildlife Structural or Habitat Components - Other (Snags/CWD/ Special Habitats, road densities)		Special Habitat Affected	No	The project would result in lowering water levels in the wetland resulting from beaver activity, at least temporarily. Road densities in the area would be reduced due to the decommissioning of 800 feet of existing road.

Aquatic Conservation Strategy Review

Table 2 shows how the proposed action complies with the four components of the Aquatic Conservation Strategy (1/ Riparian Reserves, 2/ Key Watersheds, 3/ Watershed Analysis and 4/ Watershed Restoration, RMP pp. 5-6)

Table 2: Aquatic Conservation Strategy Summary (RMP pages 5-6)	
Components	Project Consistency
Riparian Reserves	The project would occur within Riparian Reserves. Management action/direction for Riparian Reserves include decommissioning roads based on potential effects to ACS objectives.
Key Watershed	The Little North Santiam is a Tier 1 key watershed. This project would meet direction for key watersheds by decommissioning a road that has the potential to fail increasing the risk of sediment to streams.
Watershed Analysis	Watershed analysis has been completed (<i>Little North Santiam Watershed Analysis</i> , USDI BLM, 1998)
Watershed Restoration	Watershed Restoration Recommendations from the watershed analyses that promote watershed restoration provide part of the purpose and need for this proposed action. Effects to resources described in the Aquatic Conservation Strategy objectives (stream physical integrity, water quality, sediment regime, in-stream flows, species composition, etc.) are addressed below.

The proposal will result in some reduction in the quantity of wetland habitat at this site in exchange for increased stability over the long term and a reduction in the risk of a dam break flood (which could have adverse consequences for riparian and channel conditions downstream as well as for human life and property). The quality of habitat, range and type of species, water quality and hydrology of the watershed are unlikely to be affected. This proposal will not retard or prevent the attainment of Aquatic Conservation Strategy Objectives in this watershed or in the large Little North Santiam fifth field (see ACS Objective Review in the project file).

Interdisciplinary Team:

Table 3: Interdisciplinary Team Review			
Affected Resource	Specialist	Initial	Date
Botany/Vegetation	Terry Fennell	TGF	7/7/04
Cultural Resources	Frances Philipek	FMP	7/6/04
Fisheries	Dave Roberts	DAIR	7/6/04
Hydrology, Water Quality	Patrick Hawe	WPH	7/6/04
Natural Resources Supervisor	Belle Smith	CDS for BS	7/7/04
Other Resources/ NEPA	Carolyn Sands	CDS	7/7/04
Wildlife	Jim England	JSE	7/6/04

EA Prepared By: Dan NevinDate: 7/7/04EA Reviewed By: Carolyn D Sands
NEPA / PlansDate: 7/7/04

FINDING OF NO SIGNIFICANT IMPACT (FONSI) and DECISION RECORD

FONSI: Based upon my review of this EA (Environmental Assessment Number OR-080-04-15), I have determined that the proposed action is not a major federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. No environmental effects meet the definition of significance in context or intensity as defined in 40 CFR 1508.27.

1/ The proposed action is unlikely to have any significant adverse impacts on the affected elements of the environment [40 CFR 1508.27(b)(1)] with the implementation of project design features; 2/ The proposed action would not affect: public health or safety [40 CFR 1508.27(b)(2)], unique characteristics of the geographic area [40 CFR 1508.27(b)(3)], districts, sites, highways, structures, or other objects listed in or eligible for listing in the National Register of Historic Places, nor would the proposed action cause loss or destruction of significant scientific, cultural, or historical resources [40 CFR 1508.27(b)(8)]; 3/ The proposed action is not unique or unusual. The BLM has experience implementing similar actions in similar areas without highly controversial [40 CFR 1508.27(b)(4)], highly uncertain, or unique or unknown risks [40 CFR 1508.27(b)(5)];

4/ The proposed action does not set a precedent for future actions that may have significant effects, nor does it represent a decision in principle about a future consideration [40 CFR 1508.27(b)(6)]. 5/ The interdisciplinary team evaluated proposed action in context of past, present and reasonably foreseeable actions [40 CFR 1508.27(b)(7)]. These effects are not likely to be significant because of the project's small scope, scale, and duration of effects. 6/ The proposed action is not expected to adversely affect Endangered or Threatened Species or habitat under the Endangered Species Act (ESA) of 1973 [40 CFR 1508.27(b)(9)]. 7/ The proposed action does not violate any known Federal, State, or local law or requirement imposed for the protection of the environment [40 CFR 1508.27(b)(10)].

Therefore, an environmental impact statement is not needed. I have also determined that the proposed action is in conformance with the approved land use plan.

Decision: It is my decision to implement the proposed action, as described in the EA.

Right to Appeal: This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the Form 1842-1. This form is available on the Salem District internet site at <http://www.or.blm.gov/salem/html/planning/index.htm>. If an appeal is taken, your notice of appeal must be filed in this office within 15 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay: Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Implementation Date: Implementation of this decision may begin 15 calendar days after the public notice of this Decision Record appears in the *Stayton Mail* newspaper.

Contact Person: For additional information concerning this decision or the appeal process, contact Dan Nevin (503) 375-5673, Cascades Resource Area Office, 1717 Fabry Road SE, Salem, Oregon 97306.

Authorized Official: Cindy Enstrom
Cindy Enstrom
Cascades Field Manager

Date: 7/7/04